

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

OMAR JAIMES-MARTINEZ
(a.k.a. Arturo Bustos-Diaz;
Vincenten Ortego; Carmelo
Santiago)
(DOB 8/28/1977)

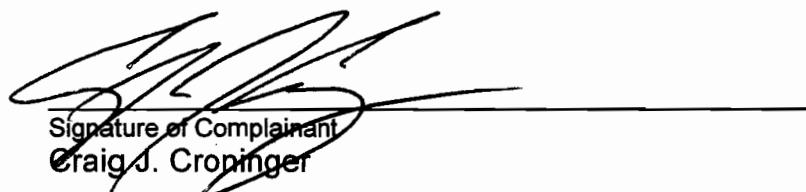
CASE NUMBER: 09-78M(AEG)

I, Craig J. Croninger, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief: That (1) on or about December 7, 2009, in the State and Eastern District of Wisconsin, **OMAR JAIMES-MARTINEZ**, an alien who had previously been removed from the United States, was found in Milwaukee County, Wisconsin, said defendant not having obtained the express consent of the Attorney General of the United States or his successor, the Secretary of the Department of Homeland Security, to re-apply for admission into the United States; (2) the defendant was previously removed from the United States on or about January 13, 2006, and on or about April 5, 2006; and (3) the defendant's previous removal from the United States was subsequent to the felony conviction of illegal reentry into the United States, on March 28, 2006, all in violation of Title 8, United States Code, Sections 1326(a) and (b)(1).

I further state that I am a Deportation Officer with the Department of Homeland Security, Immigration and Customs Enforcement and this complaint is based on the following facts:

Please see the attached affidavit.

Continued on the attached sheet and made a part hereof: X Yes _____ No


Signature of Complainant
Craig J. Croninger

Sworn to before me and subscribed in my presence,

Date

12/9/09

at Milwaukee, Wisconsin

City and State


The Honorable Aaron E. Goodstein

United States Magistrate Judge

COUNTY OF MILWAUKEE)
) SS
STATE OF WISCONSIN)

AFFIDAVIT

I, Deportation Officer Craig J Croninger, first being duly sworn under oath, hereby depose and state as follows:

1. I am a Deportation Officer with U.S. Immigration and Customs Enforcement ("ICE") and have been so employed for approximately thirteen years. I am presently assigned to the criminal alien program, which is responsible for the detection, interdiction, and apprehension of criminal aliens present within the United States. I have received training and possess experience in enforcing federal laws pertaining to crimes committed against the United States by criminal aliens, to include the investigation, detection and interdiction thereof. I have also received specialized training relating to the Immigration and Nationality Act, as amended (INA). This affidavit is based on my own personal knowledge and information from investigation reports and information given to me by other law enforcement agents and officers, information obtained from witnesses, and personal review of documents and other information gathered in the course of this investigation. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of the attached complaint, this affidavit does not set forth each and every fact I have learned during this investigation.

2. This affidavit is submitted in support of the attached criminal complaint charging JAIMES-MARTINEZ, Omar, also known as BUSTOS-DIAZ, Arturo; ORTEGO, Vincenten; SANTIAGO, Carmelo with reentry into the United States after deportation subsequent a conviction for commission of a felony, in violation of Title 8, United States Code, Sections 1326(a) and (b)(1).

3. On or about July 31, 2009, Milwaukee ICE received information regarding JAIMES-MARTINEZ, Omar, an individual who claimed to be foreign born, from the Walworth County Jail in Elkhorn, WI which is located in the Eastern District of Wisconsin. JAIMES-MARTINEZ had been arrested for operating while intoxicated and operating after revocation. JAIMES-MARTINEZ also had active warrants in Rock County, WI. An investigation was initiated based on this information. Computer indices checks revealed a criminal and Immigration history for JAIMES-MARTINEZ under FBI number 178819WB5 and alien number A97 837 851. A detainer was lodged against JAIMES-MARTINEZ based on this information.

4. JAIMES-MARTINEZ's alien file reveals that he claims to have entered the United States on May 23, 1997 near Douglas, AZ. JAIMES-MARTINEZ was not inspected and admitted or paroled into the US by an Immigration officer, nor was he in possession of a valid visa or other document allowing him to enter or be in the US.

5. On August 22, 2005 JAIMES-MARTINEZ was convicted of battery, obstructing an officer and theft in the Rock County Circuit Court in Janesville, WI. He was sentenced to 90 days in jail for this offense.

6. After his conviction in Rock County, JAIMES-MARTINEZ was referred to ICE. During an interview, JAIMES-MARTINEZ admitted to being a citizen and national of Mexico and he was placed into removal proceedings pursuant to Section 240 of the INA. JAIMES-MARTINEZ was ordered removed by the Immigration Judge at Chicago, IL on January 9, 2006. He was physically removed from the US to Mexico on January 13, 2006.

7. JAIMES-MARTINEZ reentered the US on or about January 14, 2006, near Fabens, TX. No record could be found showing JAIMES-MARTINEZ made a valid, legal entry into the United States after being inspected by a US Customs and Border Protection officer. No

record could be found of JAIMES-MARTINEZ applying for or receiving permission from the US Attorney General, or his successor, the Secretary of Homeland Security, to reapply for admission to the US. JAIMES-MARTINEZ was arrested by US Border Patrol on January 14, 2006. During processing it was discovered that JAIMES-MARTINEZ had been previously removed from the US. JAIMES-MARTINEZ was processed as a reinstatement of prior removal order pursuant to Section 241(a)(5) of the INA.

8. JAIMES-MARTINEZ was presented for prosecution for illegal reentry in violation of Title 8, United States Code, Section 1326(a) in the US District Court for the Western District of Texas. On March 28, 2006 JAIMES-MARTINEZ was convicted of this offense and sentenced to time served plus 1 year non-reporting supervised release.

9. JAIMES-MARTINEZ was physically removed from the US to Mexico on April 5, 2006 pursuant to the order described in item 7 above.

10. On November 13, 2009 JAIMES-MARTINEZ was convicted of forgery in the Rock County Circuit Court in Janesville, WI and sentenced to 1 year incarceration.

11. JAIMES-MARTINEZ was released from Rock County to ICE-Milwaukee on December 4, 2009. On December 7, 2009 JAIMES-MARTINEZ was interviewed at the Milwaukee ICE office. JAIMES-MARTINEZ was advised of his Miranda Rights, which he waived, and freely gave a statement under oath. JAIMES-MARTINEZ admitted to his identity, alienage, and prior removal. JAIMES-MARTINEZ reentered the US on an unknown date at an unknown location on or after June 26, 2009. JAIMES-MARTINEZ admits he did not present himself for inspection to a US Customs and Border Protection officer and did not enter the US at a place designated by the US Attorney General. No evidence could be found indicating that JAIMES-MARTINEZ ever applied for or received permission from the US Attorney General or

his successor the Secretary of Homeland Security to re-apply for admission to the United States.

JAIMES-MARTINEZ admits that he never applied for such permission.

12. On December 7, 2009, fingerprints of JAIMES-MARTINEZ were taken.

JAIMES-MARTINEZ's fingerprints were entered into the Integrated Automated Fingerprint Index System and received a positive response relating to FBI number 178819WB5, which is assigned to JAIMES-MARTINEZ, Omar also known as BUSTOS-DIAZ, Arturo; ORTEGO, Vincenten; and SANTIAGO, Carmelo, the defendant named herein. JAIMES-MARTINEZ's fingerprints were also submitted to the IDENT system and received a positive response relating to Fingerprint ID Number 14515150, which is assigned to JAIMES-MARTINEZ, Omar with an Alien Registration Number of A97 837 851.

14. Photographs of JAIMES-MARTINEZ were compared to a photographs attached to his Warrants of Removal contained in the A-file. The comparison revealed that they were the same person.

15. JAIMES-MARTINEZ was advised of his right to Consular access pursuant to the Vienna Convention on Consular Relations. The Mexican Consulate in Chicago, IL was notified of JAIMES-MARTINEZ's arrest pursuant to an agreement between the ICE Chicago Field Office and the Chicago, IL Mexican Consulate. JAIMES-MARTINEZ was advised of his right to prompt presentment before a magistrate judge and he signed a form waiving that right.

16. Based on the above information, there is probable cause to believe that JAIMES-MARTINEZ violated federal criminal law, specifically that he knowingly reentered the United States without the permission of the U.S. Attorney General or the Secretary of the Department of Homeland Security after being removed as a criminal alien convicted for the commission of a felony, in violation of Title 8, United States Code, Section(s) 1326(a) and (b)(1).